

## Chapter 21

### Article 3. Establishment of Zoning Districts and Zoning District Regulations

#### Sections:

21-3.10	Zoning district classifications and map designations.
21-3.20	Zoning precinct classifications and map designations.
21-3.30	Zoning maps and interpretations.
21-3.40	Preservation districts--Purpose and intent.
21-3.40-1	Preservation uses and development standards.
21-3.50	Agricultural districts--Purpose and intent.
21-3.50-1	Agricultural clusters.
21-3.50-2	Agricultural cluster--Site standards.
21-3.50-3	Agricultural cluster--Application requirements.
21-3.50-4	Agricultural uses and development standards.
21-3.60	Country district--Purpose and intent.
21-3.60-1	Country clusters.
21-3.60-2	Country cluster--Site standards.
21-3.60-3	Country cluster--Application requirements.
21-3.60-4	Country uses and development standards.
21-3.70	Residential districts--Purpose and intent.
21-3.70-1	Residential uses and development standards.
21-3.80	Apartment districts--Purpose and intent.
21-3.80-1	Apartment district uses and development standards.
21-3.90	Apartment mixed use districts--Purpose and intent.
21-3.90-1	Apartment mixed use district uses and development standards.
21-3.100	Resort district--Purpose and intent.
21-3.100-1	Resort uses and development standards.
21-3.110	Business districts--Purpose and intent.
21-3.110-1	Business uses and development standards.
21-3.120	Business mixed use districts--Purpose and intent.
21-3.120-1	BMX-4 business mixed use special height controls.
21-3.120-2	Business mixed use district uses and development standards.
21-3.130	Industrial districts--Purpose and intent.
21-3.130-1	Industrial uses and development standards.
21-3.140	Industrial-commercial mixed use district-- Purpose and intent.
21-3.140-1	Industrial-commercial mixed use district uses and development standards.

#### Figures:

21-3.1	Height Setbacks (P-2, Agricultural and Country Districts).
21-3.2	Heights on Sloping Lots (Country District).
21-3.3	A-2, A-3, AMX-2, AMX-3 District Height Setback.
21-3.4	Resort District Height Setback.
21-3.5	Transitional Heights (Business, BMX, IMX and All Industrial Districts).
21-3.6	Front Yards (B-2, BMX-3, BMX-4, IMX and All Industrial Districts).
21-3.7	Street Setbacks (B-2, BMX-3, I-2, I-3 and IMX Districts).
21-3.8	Front Yard BMX-4 District.
21-3.9	65 Degree Angle Height Limit (BMX-4 District).
21-3.10	Height Measurement in Residential Districts.

#### Tables:

21-3	Master Use Table.
21-3.1	P-2, Agricultural and Country Districts Development Standards.
21-3.2	Residential Districts Development Standards.
21-3.3	Apartment and Apartment Mixed Use Districts Development Standards.
21-3.4	Resort, Business and Business Mixed Use Districts Development Standards.
21-3.5	Industrial and Industrial Mixed Use Districts Development Standards.



## TABLE 21-3 MASTER USE TABLE

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<b>KEY</b>	Ac	=	Special accessory use subject to standards in Article 5
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	P	=	Permitted Use
	P/c	=	Permitted use subject to standards in Article 5
	PRU	=	Plan Review Use

ZONING DISTRICTS																					
USES (Note: Certain uses are defined in Article 10.)	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1
Zoos	C		C																		
<b>COMMERCE AND BUSINESS</b>																					
Amusement and recreation facilities, indoor	C												P	P	P	P	P	P	P	P	P <sup>2</sup>
Automobile sales and rentals, including sales and distribution of automobile parts and supplies															P	P	P	P	P		P
Bars, nightclubs, taverns													P		P/c	P/c	P/c	P/c	P		P/c
Business services													P	P	P	P	P	P	P		P
Cabarets													P		P/c		P/c				P/c
Catering establishments													P		P	P	P	P	P		P
Convenience stores										P/c <sup>1</sup>	P/c <sup>1</sup>	P/c <sup>1</sup>	P	Cm P/c	P	P	P	P/c	P/c		P
Dance or music schools										P/c <sup>1</sup>	P/c <sup>1</sup>	P/c <sup>1</sup>	P/c	P	P	P	P				P <sup>2</sup>
Data processing facilities																		P	P		P
Drive-thru facilities														P/c	P/c	P/c	P/c	P/c	P/c	P/c	P/c
Eating establishments										P/c <sup>1</sup>	P/c <sup>1</sup>	P/c <sup>1</sup>	P	P	P	P	P	P	P	P	P
Financial institutions										P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P	P	P	P	P	P		P
Home improvement centers															P/c	P/c		P	P		P
Home occupations		Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac			Ac	Ac				
Laboratories, medical														P	P	P	P	P	P		P
Laboratories, research															P	P	P	P	P		P
Medical clinics										P/c <sup>1</sup>	P/c <sup>1</sup>	P/c <sup>1</sup>	P	P	P	P	P				P <sup>2</sup>
Neighborhood grocery stores		Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm						Cm	Cm	Cm	
Office buildings														P	P	P	P				P <sup>2</sup>
Offices, accessory																		Ac	Ac	Ac	
Off-site joint development																C	C				
Personal services										P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P	P	P	P				P <sup>2</sup>
Photographic processing														P	P	P	P	P	P		P
Photography studios													P	P	P	P	P				P <sup>2</sup>



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MASTER USE TABLE**

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	Vacation cabins	C																			

INDUSTRIAL																						
Base Yards																			P/c	P/c	P/c	P/c
Biofuel processing facilities	C	C	C																	Cm	Cm	
Building or similar contracting and home improvement and furnishing services, and materials and equipment sales or distribution; provided incidental storage of materials or equipment is within fully enclosed buildings																			P	P		P
Centralized mail and package handling facilities																			P/c	P	P	P/c
Explosive and toxic chemical manufacturing, storage and distribution																				C		
Food manufacturing and processing															P/c	P/c	P/c		P	P	P	P
Freight movers																			P/c	P		
Heavy equipment sales and rentals																			P/c	P		
Linen suppliers																			P	P		
Manufacturing, processing and packaging, light																			P	P	P	P
Manufacturing, processing and packaging, general																			P/c	P	P	
Maritime-related vocational training, sales, construction, maintenance and repairing																				P	P	
Motion picture and television production studios															P/c	P/c			P	P		P
Petroleum processing																				C	Cm	
Port facilities																					P	
Publishing plants for newspapers, books and magazines															P		P		P	P		P
Repair establishments, major																			P/c	P	P	

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Repair establishments, minor														P	P	P	P	P	P	P	P
Resource extraction	C	C	C																	P	
Salvage, scrap and junk storage and processing																			Cm	Cm	
Storage yards																			P/c	P/c	P/c
Warehousing																			P	P	P
Waste disposal and processing	C		C																Cm	Cm	
Wholesale and retail establishments dealing primarily in bulk materials delivered by or to ship, or by ship and truck in combination																				P	
Wholesaling and distribution															P/c	P/c	P	P	P		P

### OUTDOOR RECREATION

Amusement facilities, outdoor, not motorized														C	C	C		C	C	C		Cm
Amusement facilities, outdoor, motorized														C	C	C		C	C	C		Cm
Golf courses	PRU P/c													P								
Marina accessories	Cm													Cm		Cm	Cm	Cm		P	P	P/c
Recreation facilities, outdoor	Cm		Cm	Cm										P	Cm	Cm	Cm	Cm				

### SOCIAL AND CIVIC SERVICE

Art galleries and museums														P	P	P	P	P				P <sup>2</sup>
Cemeteries and columbaria	P		Cm																			
Colleges, business														P		P	P	P				
Day-care facilities			C	Cm	P	P	P	P	P	P	P		P									
Hospitals	PRU																					
Meeting facilities			Cm	P	P	P	P	P	P/c	P/c		P										
Prisons	PRU																					
Public uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools, business														P	P	P	P	P				

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Schools: Elementary, intermediate and high			Cm		P	P	P	P													
Schools, language				P/c	P	P	P	P													
Schools, vocational, technical, industrial, trade																		P	P		P
Schools, vocational, which do not involve the operation of woodwork shops, machine shops or other similar features													P	P	P	P	P				P
Theaters													P	P	P	P	P				P <sup>2</sup>
Universities, colleges	PRU																				

### TRANSPORTATION AND PARKING

Airports	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU									
Automobile service stations														Cm	P	P	P	P	P		P
Car washing, mechanized														P/c	P/c	P/c	P/c	P/c	P/c		P/c
Commercial parking lots and garages										P/c <sup>1</sup>	P/c <sup>1</sup>	P/c <sup>1</sup>	P	P	P	P	P	P	P		P
Heliports																			P		
Helistops		C	C										C		C	C	C	C	P	P	C
Joint use of parking facilities				Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm						
Off-site parking facilities				Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm						
Truck terminals																			P	P	

### UTILITIES AND COMMUNICATIONS

Antennas, broadcasting	Cm	Cm	Cm															C	C	C	C
Antennas, receive-only	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
Broadcasting stations													P		P	P	P	P	P	P	P
Utility installations, Type A	P/c	P/c	P/c	P	P	P	P	P/c	P/c	P	P/c										
Utility installations, Type B	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm
Wind machines Up to 100 kW		Cm	Cm	Cm	Cm	Cm								Cm	Cm			Cm	Cm		Cm

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<b>USES</b> (Note: Certain uses are defined in Article 10.)	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1

<b>UTILITIES AND COMMUNICATIONS (CONT'D)</b>																					
Wind machines Over 100 kW		C	C	C																	

<b>MISCELLANEOUS</b>																					
Historic structures, use of	Cm	Cm	Cm	C	C	C	C	C	C	Cm											
Joint development	Cm																				

Where a proposed use is not specifically listed above, the director shall review the proposed use and, based on its characteristics and its similarity to the uses listed above, shall determine the regulatory requirements for that use.

<sup>1</sup>Commercial use subject to special density controls (see Table 21-3.3 and Section 21-3.90-1(c)(4)).

<sup>2</sup>Commercial use subject to special density controls (see Table 21-3.5 and Section 21-3.140-1(c)).

(Added by Ord. 99-12; Am. Ord. 00-09, 01-12, 02-63, 03-37, 07-14, 07-15, 09-26, 10-19, 13-10, 15-41, 17-46)

**Sec. 21-3.10 Zoning district classifications and map designations.**

To carry out the purposes and provisions of this chapter, the following zoning districts are established:

<b>Title</b>	<b>Map Designation</b>
Preservation	
Restricted	P-1
Military and federal	F-1
General	P-2
Agricultural	
Restricted	AG-1
General	AG-2
Country	C
Residential	
	R-20
	R-10
	R-7.5
	R-5
	R-3.5
Apartment	
Low-density	A-1
Medium-density	A-2
High-density	A-3
Apartment Mixed Use	
Low-density	AMX-1
Medium-density	AMX-2
High-density	AMX-3
Resort	Resort
Business	
Neighborhood	B-1
Community	B-2
Business Mixed Use	
Community	BMX-3
Central	BMX-4
Industrial	
Limited	I-1
Intensive	I-2
Waterfront	I-3
Industrial-Commercial Mixed Use	IMX-1

(Added by Ord. 99-12)

**Sec. 21-3.20 Zoning precinct classifications and map designations.**

To carry out the purposes and provisions of this chapter, the following zoning precincts are established:

<b>Title</b>	<b>Map Designation</b>
Waikiki Special District	
Apartment	Apartment precinct
Apartment mixed use	Apartment mixed use subprecinct
Resort mixed use	Resort mixed use precinct
Public	Public precinct

(Added by Ord. 99-12; Am. Ord. 17-40)

**Sec. 21-3.30 Zoning maps and interpretations.**

(a) The director shall prepare zoning maps for the city. These maps shall be numbered and titled as listed below and, on adoption by ordinance, they shall be cited and referred to as follows:

<b>Zoning Map No.</b>	<b>Area</b>
1	Hawaii Kai
2	Kahala—Kuliouou
3	Moiliili—Kaimuki
4	Nuuanu—McCully
5	Kalihi—Nuuanu
6	Red Hill—Fort Shafter
7	Halawa—Pearl City
8	Waipahu
9	Waipio (Crestview)
10	Waipio (Mililani)
11	Wahiawa—Whitmore
12	Ewa Beach—Iroquois Point
13	Makakilo
14	Barber's Point—Kahe—Nanakuli
15	Luualalei—Makaha
16	Makua—Kaena
17	Mokuleia—Waiialua—Haleiwa
18	Kawailoa—Waialea
19	Kahuku—Laie
20	Hauula—Punaluu—Kaaawa
21	Kualoa—Waiahole—Kahaluu
22	Heeia—Kaneohe—Maunawili
23	Kailua—Lanikai—Keolu
24	Waimanalo

On adoption, the zoning designations shown on the map shall be the zoning classification of all parcels on the map and shall supersede any previous zoning classification. The zoning maps may also contain height limits for certain identified parcels of land or land areas; when there is a difference between height limits specified in this chapter and heights shown on the zoning maps, the maps shall prevail.

- (b) Whenever uncertainty exists about the boundary lines of a district, the following rules shall apply:
- (1) When a discrepancy exists between a district boundary shown on the adopted zoning map and that which is described in the text of an ordinance establishing the boundary, the text of the ordinance shall be the final authority.
  - (2) Notwithstanding subsection (b)(1), district boundaries which appear to follow center lines of streets, easements, railroad rights-of-way, waterways and similar features shall be construed as following such center lines.
  - (3) Where district boundaries appear to follow street, lot, property or other lines of similar nature, they shall be construed as following those lines, provided that in the event of closure of a street or alley by the city, where the district boundary is indicated as other than the center line of such street or alley, it shall be construed as having been at the center line.
  - (4) Where district boundaries appear parallel or perpendicular to, or appear as extensions of center lines, property lines or other features, they shall be so construed.
  - (5) Where district boundaries do not appear to follow center lines, street, lot, property or other lines of similar nature or do not appear to be extensions of such lines or are not described within any ordinance, the location of these boundaries shall be determined by a measurement of distances shown on the adopted zoning map according to its scale.
  - (6) Where the street layout on the ground varies from the street layout on the adopted zoning map, or other circumstances not covered by any of the above situations, the director shall determine the location of the boundary in question in accordance with the intent of the zoning ordinance.
  - (7) Where district boundaries are along the ocean, the boundary shall be construed to follow the shoreline as confirmed by the state surveyor.
- (c) Lands unclassified by the adopted zoning map and for which none of the rules of interpretation are applicable shall be construed as being within the P-2 general preservation district until otherwise rezoned.
- (d) The director shall preserve the adopted zoning maps and shall maintain them in current form. The director shall see that the maps are updated as soon as practicable after the effective date of any ordinance adopting an amendment and the ordinance number of each amendment shall be noted on the map. No person shall make any change in the adopted zoning map except by authorization of the director, in accordance with the procedures and requirements set forth in this chapter.
- (e) The director may adjust boundary lines of a district or precinct under the following conditions:

- (1) The change does not result in an increase or decrease in any zoning district affecting more than five percent or one acre of any zoning lot, whichever is less;
- (2) The resulting boundary adjustment is in conformance with the general plan and development plan; and
- (3) The resulting boundary adjustment does not confer more than a five percent net increase in development potential, as measured by the number of dwelling units or floor area, as permitted by the applicable zoning districts.

The director shall notify in writing the property owner(s) affected by the boundary line adjustment.

- (f) The director may adjust boundary lines of a district or precinct to coincide with a state land use commission boundary interpretation, when the interpretation results in an increase in the more restrictive state land use district. In determining the appropriate district or precinct, the director shall take into account surrounding zoning and the intent of the affected state land use district.

(Added by Ord. 99-12)

**Sec. 21-3.40 Preservation districts--Purpose and intent.**

- (a) The purpose of the preservation districts is to preserve and manage major open space and recreation lands and lands of scenic and other natural resource value.
- (b) It is intended that all lands within a state designated conservation district be zoned P-1 restricted preservation district.
- (c) The purpose of creating the F-1 military and federal preservation district is to identify areas in military or federal government use and to permit the full range of military or federal government activities.
- (d) Should lands be removed from either the state-designated conservation district or from federal jurisdiction, all uses, structures and development standards shall be as specified for the P-2 general preservation district.
- (e) It is also the intent that lands designated urban by the state, but well suited to the functions of providing visual relief and contrast to the city's built environment or serving as outdoor space for the public's use and enjoyment be zoned P-2 general preservation district. Areas unsuitable for other uses because of topographical considerations related to public health, safety and welfare concerns shall also be placed in this district.

(Added by Ord. 99-12)

**Sec. 21-3.40-1 Preservation uses and development standards.**

- (a) Within the P-1 restricted preservation district, all uses, structures and development standards shall be governed by the appropriate state agencies.
- (b) Within an F-1 military and federal preservation district, all military and federal uses and structures shall be permitted.
- (c) Within the P-2 general preservation district, permitted uses and structures shall be as enumerated in Table 21-3.
- (d) Within the P-2 general preservation district, development standards shall be as enumerated in Table 21-3.1.
- (e) Additional Development Standards.
  - (1) Height. The maximum height may be increased from 15 to 25 feet if height setbacks are provided.
  - (2) Height Setbacks. Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line one foot for each two feet of additional height above 15 feet (see Figure 21-3.1).

(Added by Ord. 99-12)

**Sec. 21-3.50 Agricultural districts--Purpose and intent.**

- (a) The purpose of the agricultural districts is to maintain a strong agricultural economic base, to prevent unnecessary conflicts among incompatible uses, to minimize the cost of providing public improvements and services and to manage the rate and location of physical development consistent with the city's adopted land use policies. To promote the viability and economic feasibility of an existing agricultural operation, accessory agribusiness activities may be permitted on the same site as an adjunct to agricultural uses. These accessory activities must be compatible with the on-site agricultural operation and surrounding land uses.
- (b) The intent of the AG-1 restricted agricultural district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses which perpetuate the retention of these lands in the production of food, feed, forage, fiber crops and horticultural plants. Only accessory agribusiness activities which meet the above intent shall be permitted in this district.
- (c) The following guidelines shall be used to identify lands which may be considered for the AG-1 restricted agricultural district:
  - (1) Lands which are within the state designated agricultural district and designated agricultural by adopted city land use policies;
  - (2) Lands which are predominantly classified as prime or unique under the agricultural lands of importance to the State of Hawaii system; and
  - (3) Lands where a substantial number of parcels are more than five acres in size.

- (d) The intent of the AG-2 general agricultural district is to conserve and protect agricultural activities on smaller parcels of land.
- (e) The following guidelines shall be used to identify lands which may be considered for the AG-2 general agricultural district:
  - (1) Lands which are in the state designated agricultural or urban district and designated agricultural by adopted city land use policies;
  - (2) Lands which are predominantly classified as other under the agricultural lands of importance to the State of Hawaii system; and
  - (3) Lands which are used or are suitable for agricultural purposes and where a substantial number of parcels are less than five acres in size.

(Added by Ord. 99-12; Am. Ord. 02-63)

**Sec. 21-3.50-1 Agricultural clusters.**

To promote economy of services and utilities and the most efficient use of the remainder area for agricultural pursuits, agricultural clusters shall be permitted in any agricultural district. (Added by Ord. 99-12)

**Sec. 21-3.50-2 Agricultural cluster--Site standards.**

- (a) The minimum land area required for an AG-1 district agricultural cluster shall be 15 contiguous acres. The minimum land area required for an AG-2 district agricultural cluster shall be six contiguous acres.
- (b) The maximum number of farm dwellings in an AG-1 district agricultural cluster shall not exceed one unit per five acres. The maximum number of farm dwellings in an AG-2 district agricultural cluster shall not exceed one unit per two acres.
- (c) Within agricultural clusters, detached, duplex and multifamily dwellings shall be permitted. Multifamily dwellings shall not exceed four dwelling units in any structure.
- (d) Within an agricultural cluster, all principal, accessory and conditional uses and structures permitted within the AG-1 restricted agricultural district and AG-2 general agricultural district shall be permitted, subject to the minimum standards and conditions specified in this chapter for these uses.
- (e) Within an agricultural cluster each dwelling may be sited on a lot not to exceed 5,000 square feet. For structures with more than one dwelling unit, the maximum lot size shall be a multiple of 5,000 square feet per dwelling.
- (f) Height and yards shall be the same as permitted in AG-1 and AG-2 districts.
- (g) Parking, loading and sign requirements shall be specified in the approval of the agricultural cluster plan.

(Added by Ord. 99-12)

**Sec. 21-3.50-3 Agricultural cluster--Application requirements.**

- (a) The application shall be accompanied by:
  - (1) Project name;
  - (2) A location map showing the project in relation to the surrounding area;
  - (3) (A) An analysis of agricultural use of the proposed cluster, based on projected sales prices and terms, marketability, soils analysis, availability of water, consideration of climate, rainfall and other factors related to agricultural productivity, sufficient to demonstrate that agricultural use will constitute the primary activity undertaken on the land;
  - (B) The director shall refer the proposal for review and commentary of this analysis to the state department of agriculture or appropriate soil and water conservation district;
  - (4) A site plan showing:
    - (A) Metes and bounds of the site, prepared and certified by a registered engineer or surveyor, including any deed restrictions;
    - (B) Total area of project, and if applicable, lot layout and approximate dimensions, lot number of each lot, area of each lot, proposed use of each lot and total number of lots;
    - (C) Locations, names, dimensions, approximate gradients and radius of curves of existing and proposed streets within and adjacent to the project; approximate location and area dimensions of existing and proposed easements; existing and proposed drainage facilities; existing and proposed utilities, including sewers, water, electric, telephone and refuse;
    - (D) Location, size, spacing, setbacks and dimensions of all existing and proposed structures and improvements, including the number and type of dwelling units;
    - (E) The shoreline, shoreline setback lines, beach access, and stream and other setback lines, when applicable;
    - (F) Location with notations, and the sizes of all parcels of land, including streets, improvements, facilities and easements, proposed to be dedicated to the city, or whether the streets, improvements, facilities and easements are to be private;

- (G) Finished condition to be achieved by proposed grading shown by contours, cross sections, spot elevations or other means, and estimated quantities of cut and fill. Elevations shall be marked on such contours based on city data;
- (5) Verification by the board of water supply of the availability of sufficient agricultural quality water to support agricultural use, whether such water is to be supplied by the board or another water supplier;
- (6) Draft covenants, leases, agreements of sale, mortgages and other instruments of conveyance requiring lot purchasers to maintain land in agricultural use in conformity with federal, state and city laws and regulations, enforceable by the city and either by the applicant, lessee or owner, or an association composed of all lot owners and indicating applicable laws and penalties for violation thereof. All subsequent sales of property, lease and rental agreements shall include these restrictions;
- (7) Notice of all restrictions contained in laws and regulations to be provided to all prospective subdivision lot purchasers, in the sales agreement, deeds, covenants and other instruments of conveyance;
- (8) Notice that building permit applications shall include an agricultural plan for farm dwellings indicating how feasible agricultural use on the lots will be carried out within a period not to exceed five years, to be provided in the sales agreements, deeds, covenants and other instruments of conveyance;
- (9) Other information and documentation as may be required by the director to review and ensure feasible agricultural use within the agricultural cluster in conformity with applicable federal, state, and city laws and regulations;
- (10) Proposals for maintenance and conservation of all common elements.
- (b) All agricultural clusters shall be processed in accordance with Section 21-2.110-1.
- (c) The director shall approve, modify or deny the agricultural cluster application based on whether the application meets the intent of the agricultural district, the intent of the agricultural cluster provision, and the applicant's compliance with requirements of other government agencies.
- (d) The director shall approve final drawings before issuance of building permits in accordance with the approved plan. Before approval of the agricultural cluster plan final drawings by the director, certified deed covenants and/or condominium property regime documents binding any lessees or buyers to the conditions of approval imposed by the director shall be submitted to the department.

(Added by Ord. 99-12)

**Sec. 21-3.50-4 Agricultural uses and development standards.**

- (a) Within the agricultural districts, permitted uses and structures shall be as enumerated in Table 21-3.
- (b) Within the agricultural districts, development standards shall be as enumerated in Table 21-3.1.
- (c) Additional Development Standards.
  - (1) Height. The maximum height may be increased from 15 to 25 feet if height setbacks are provided.
  - (2) Height Setbacks. Any portion of a structure exceeding 15 feet must be set back from every front, side, and rear buildable area boundary line one foot for each two feet of additional height above 15 feet (see Figure 21-3.1).

(Added by Ord. 99-12; Am. Ord. 17-40)

**Sec. 21-3.60 Country district--Purpose and intent.**

- (a) The purpose of the country district is to recognize and provide for areas with limited potential for agricultural activities but for which the open space or rural quality of agricultural lands is desired. The district is intended to provide for some agricultural uses, low density residential development and some supporting services and uses.
- (b) It is the intent that basic public services and facilities be available to support the district but that the full range of urban services at urban standards need not be provided. Typically, the country district would be applied to areas outside the primary and secondary urban centers, which are identified by city-adopted land use policies.
- (c) The following guidelines shall be used to identify lands which may be considered for this district:
  - (1) Lands which are within the state-designated urban district and designated either agricultural or residential by adopted city land use policies.
  - (2) Lands which are not predominately classified as prime, unique or other under the agricultural lands of importance to the State of Hawaii system.
  - (3) Lands where a substantial number of existing parcels are less than two acres in size.
  - (4) Lands where existing public facility capacities preclude more intense development.

(Added by Ord. 99-12)

**Sec. 21-3.60-1 Country clusters.**

To promote economy of services and utilities and to encourage the retention of large tracts of open space or agricultural lands which contribute to rural character, country clusters shall be permitted in any country district. (Added by Ord. 99-12)

**Sec. 21-3.60-2 Country cluster--Site standards.**

- (a) The minimum land area required for a country cluster shall be three contiguous acres.
- (b) The maximum number of dwelling units in a country cluster shall not exceed one per one acre.

- (c) Within country clusters, detached, duplex and multifamily dwellings shall be permitted. Multifamily dwellings shall not exceed four dwelling units in any structure.
  - (d) Within a country cluster, all principal, accessory and conditional uses and structures permitted within the country district and all country district development standards shall apply except those relating to yards and lot dimensions. Conditional uses shall be subject to the standards in Article 4.
  - (e) The minimum size of a lot of record for dwellings shall be 5,000 square feet. The following development standards shall apply to dwelling lots:
    - (1) Front yards shall be a minimum of 10 feet.
    - (2) Side and rear yards shall be a minimum of five feet.
  - (f) Parking, loading and sign requirements shall be specified in the approval of the country cluster plan.
  - (g) All other underlying district development standards shall apply.
- (Added by Ord. 99-12)

**Sec. 21-3.60-3 Country cluster--Application requirements.**

- (a) The application shall be accompanied by:
    - (1) A project name;
    - (2) A location map showing the project in relation to the surrounding area and the location of all major community facilities within a one-half-mile radius of the project;
    - (3) A prose description of the project including: objectives of the cluster, unique site conditions and development schedule;
    - (4) A site plan showing:
      - (A) Metes and bounds of the site, prepared and certified by a registered engineer or surveyor, including any deed restrictions;
      - (B) Total area of project, and if applicable, lot layout and approximate dimensions, lot number of each lot, area of each lot, proposed use of each lot and total number of lots;
      - (C) Locations, names, dimensions, approximate gradients and radius of curves of existing and proposed streets within and adjacent to the project; approximate location and area dimensions of existing and proposed easements; existing and proposed drainage facilities; existing and proposed utilities, including sewers, water, electric, telephone and refuse;
      - (D) Approximate location and general description of any historical or significant landmarks or other natural features, and trees with a trunk diameter of six inches or more at five feet above ground, and an indication of the proposed retention or disposition of such features;
      - (E) Location, size, spacing, setbacks and dimensions of all existing and proposed structures and improvements, including the number and type of dwelling units;
      - (F) The shoreline, shoreline setback lines, beach access, and stream and other setback lines, when applicable;
      - (G) Location with notations, and the sizes of all parcels of land, including streets, improvements, facilities and easements, proposed to be dedicated to the city, or whether the streets, improvements, facilities and easements are to be private;
    - (5) Other information and documentation as may be required by the director to review and ensure the proposed project is in conformity with applicable federal, state, and city laws and regulations;
    - (6) Proposals for maintenance and conservation of all common elements.
  - (b) Country clusters shall be processed in accordance with Section 21-2.110-1.
  - (c) The director shall approve, modify or deny the country cluster application based on whether the application meets the intent of the country district, the intent of the country cluster provision, and the applicant's compliance with requirements of other government agencies.
  - (d) The director shall approve final drawings before issuance of building permits in accordance with the approved plan. Before approval of the country cluster final drawings by the director, certified deed covenants and/or condominium property regime documents binding any lessees or buyers to the conditions of approval imposed by the director shall be submitted to the department.
- (Added by Ord. 99-12)

**Sec. 21-3.60-4 Country uses and development standards.**

- (a) Within the country district, permitted uses and structures shall be in accordance with Table 21-3.
- (b) Within the country district, development standards shall be in accordance with Table 21-3.1.
- (c) Additional Development Standards.
  - (1) Height. The maximum height may be increased from 15 to 25 feet if height setbacks are provided.
  - (2) Height Setbacks. Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line one foot for each two feet of additional height above 15 feet (see Figure 21-3.1).
  - (3) Structures on lots with a slope of 15 percent or more shall be governed by a maximum building envelope running parallel to grade at 30 feet in height measured vertically; and which intersects vertical front, rear and side yard planes, each 20 feet in height set at the

respective buildable area boundary line. These intersections shall each be made at an angle of 60 degrees measured from the top of the respective yard plane (see Figure 21-3.2).

(Added by Ord. 99-12)

**Table 21-3.1  
P-2, Agricultural & Country Districts  
Development Standards**

Development Standard	District			
	P-2	AG-1	AG-2	Country
Minimum lot area (acres)	5	5	3 for major livestock production, 2 for all other uses	1
Minimum lot width and depth (feet)	200	150	150	100
Yards (feet):	Front	30	15	15
	Side and rear	15	10	10
Maximum building area (percent of zoning lot)	5	10 <sup>2</sup>	10 <sup>2</sup>	25 <sup>2</sup>
Maximum height (feet) <sup>1</sup>	15-25	15-25 <sup>3</sup>	15-25 <sup>3</sup>	15-30
Height setbacks	per Sec. 21-3.40-1(e)	per Sec. 21-3.50-4(c)	per Sec. 21-3.50-4(c)	per Sec. 21-3.60-4(c)

<sup>1</sup>Heights above the minima of the given range may require height setbacks or may be subject to other requirements. See the appropriate section for the zoning district for additional development standards concerning height.

<sup>2</sup>For nonagricultural structures.

<sup>3</sup>Fifteen feet for nonagricultural structures and dwellings; up to 25 feet are permitted if height setbacks are provided.

(Added by Ord. 99-12)

**Sec. 21-3.70 Residential districts--Purpose and intent.**

- (a) The purpose of the residential district is to allow for a range of residential densities. The primary use shall be detached residences. Other types of dwellings may also be allowed, including zero lot line, cluster and common wall housing arrangements. Nondwelling uses which support and complement residential neighborhood activities shall also be permitted.
- (b) The intent of the R-20 and R-10 districts is to provide areas for large lot developments. These areas would be located typically at the outskirts of urban development and may be applied as a transitional district between preservation, agricultural or country districts and urban districts. They would also be applied to lands where residential use is desirable but some development constraints are present.
- (c) The intent of the R-7.5, R-5 and R-3.5 districts is to provide areas for urban residential development. These districts would be applied extensively throughout the island.

(Added by Ord. 99-12)

**Sec. 21-3.70-1 Residential uses and development standards.**

- (a) Within the residential districts, permitted uses and structures shall be as enumerated in Table 21-3.
- (b) Within the residential districts, development standards shall be as enumerated in Table 21-3.2.
- (c) Additional Development Standards.
  - (1) Maximum Height. The maximum height of structures shall be determined by the building envelope created as the result of the intersection of two planes. The first plane shall be measured horizontally across the parcel at 25 feet above the high point of the buildable area boundary line. The second plane shall run parallel to grade, as described in Section 21-4.60(b), measured at a height of 30 feet. If the two planes do not intersect, then the building envelope shall be determined by the first plane (see Figure 21-3.10).
  - (2) Height Setbacks.
    - (A) Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line one foot for each two feet of additional height over 15 feet (see Figure 21-3.10); and
    - (B) Any portion of a structure exceeding 20 feet shall be set back from the front buildable area boundary line one foot for every two feet of additional height over 20 feet.

(Added by Ord. 99-12)

**Table 21-3.2  
Residential Districts**

**Development Standards**

Development Standard		District				
		R-3.5	R-5	R-7.5	R-10	R-20
Minimum lot area (square feet)	One-family dwelling, detached, and other uses	3,500	5,000	7,500	10,000	20,000
	Two-family dwelling, detached	7,000	7,500	14,000	15,000	25,000
	Duplex	3,500	3,750	7,000	7,500	12,500
Minimum lot width and depth (feet)		30 per duplex unit, 50 for other uses		35 per duplex unit, 65 for other uses	65 for dwellings, 100 for other uses	100
Yards (feet):	Front	10 for dwellings, 30 for other uses				
	Side and rear	5 for dwellings <sup>1</sup> , 15 for other uses			5 for dwellings <sup>1</sup> , 15 for other uses	
Maximum building area		50 percent of the zoning lot				
Maximum height (feet) <sup>2</sup>		25-30				
Height setbacks		per Sec. 21-3.70-1(c)				

<sup>1</sup> For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall.

<sup>2</sup> Heights above the minima of the given range may require height setbacks or may be subject to other requirements. See the appropriate section for the zoning district for additional development standards concerning height.

(Added by Ord. 99-12; Am. Ord. 15-41)

**Sec. 21-3.80 Apartment districts--Purpose and intent.**

- (a) The purpose of the apartment districts is to allow for a range of apartment densities and a variety of living environments. The predominant uses include multifamily dwellings, such as common wall housing, walkup apartments and high-rise apartments. Uses and activities that complement apartment use are permitted, including limited social services.
- (b) The intent of the A-1 low density apartment district is to provide areas for low density, multifamily dwellings. It may be applied as a buffer between residential districts and other more intense, noncompatible districts. It would be applicable throughout the city.
- (c) The intent of the A-2 medium density apartment district is to provide areas for medium density, multifamily dwellings. It is intended primarily for concentrated urban areas where public services are centrally located and infrastructure capacities are adequate.
- (d) The intent of the A-3 high density apartment district is to provide areas for high density, high-rise, multifamily dwellings. It is intended for central urban core areas where public services and large infrastructure capacities are present.

(Added by Ord. 99-12)

**Sec. 21-3.80 1 Apartment district uses and development standards.**

- (a) Within the apartment districts, permitted uses and structures shall be as enumerated in Table 21-3.
- (b) Within the apartment districts, development standards shall be as enumerated in Table 21-3.3.
- (c) Additional Development Standards.
  - (1) Except for necessary access drives and walkways, all yards shall be landscaped.
  - (2) Optional Yard Siting. In the A-2 and A-3 districts, parking lots and garages may extend to side and rear property lines, provided the following requirements are met:
    - (A) An area or areas of open space equivalent to the area to be used for parking or accessory use structures are provided elsewhere on the zoning lot. This open space shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to three feet if wheel stops are installed. A minimum of 50 percent of the open space shall be contiguous to the street frontage abutting the zoning lot;
    - (B) Any parking floor in the 10 feet adjacent to the property line shall not be more than four feet above existing grade; and
    - (C) Landscaping required under Section 21-4.70 is provided and maintained.
  - (3) Height Setbacks. In the A-2 and A-3 districts, for any portion of a structure over 40 feet in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3).

(Added by Ord. 99-12)

**Sec. 21-3.90 Apartment mixed use districts--Purpose and intent.**

The purpose of the apartment mixed use districts is to allow some commercial uses in apartment neighborhoods. The additional commercial uses shall be permitted under varying intensities and are intended to support the daily and weekly commercial service needs of the neighborhood, conserve transportation energy by lessening automobile dependency, create more diverse neighborhoods and optimize the use of both land and available urban services and facilities. Mixing may occur horizontally and vertically, but controls are established to maintain the character of these neighborhoods primarily as apartment neighborhoods. (Added by Ord. 99-12)

**Sec. 21-3.90-1 Apartment mixed use district uses and development standards.**

- (a) Within apartment mixed use districts, all uses and structures shall be as enumerated in Table 21-3.
- (b) Within the apartment mixed use districts, development standards shall be as enumerated in Table 21-3.3.
- (c) Additional Development Standards.
  - (1) Except for necessary access drives and walkways, all yards shall be landscaped.
  - (2) Optional Yard Siting. In the AMX-2 and AMX 3 districts, parking lots and garages may extend to side and rear property lines, provided the following requirements are met:
    - (A) An area or areas of open space equivalent to the area to be used for parking or accessory use structures are provided elsewhere on the zoning lot. This open space shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to three feet if wheel stops are installed. A minimum of 50 percent of the open space shall be contiguous to the street frontage abutting the zoning lot;
    - (B) Any parking floor in the 10 feet adjacent to the property line shall not be more than four feet above existing grade; and
    - (C) Landscaping required under Section 21-4.70 is provided and maintained.
  - (3) Height Setbacks. In the AMX-2 and AMX-3 districts, for any portion of a structure over 40 feet in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21 3.3).
  - (4) Commercial Use Density and Location.
    - (A) The floor area of any use marked with a superscript-1 under Table 21-3, either occurring as a single use on a zoning lot or in combination with other uses, shall not exceed an FAR as enumerated in Table 21-3.3, and such floor area shall be counted as part of the total FAR allowed.
    - (B) Where these commercial uses are integrated with dwelling uses, pedestrian access to the dwellings shall be independent from other uses and shall be designed to enhance privacy for residents and their guests. No floor shall be used for both dwelling and commercial purposes.

(Added by Ord. 99-12)

**Table 21-3.3  
Apartment and Apartment Mixed Use Districts  
Development Standards**

Development Standard	District					
	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
Minimum lot area (square feet) <sup>1</sup>	7,500	10,000	15,000	7,500 <sup>2</sup>	10,000 <sup>2</sup>	15,000 <sup>2</sup>
Minimum lot width and depth (feet) <sup>1</sup>	70	70	70	70	70	70
Yards (feet):	Front	10	10	10	10	10
	Side and rear <sup>3</sup>	5 <sup>4</sup> or 10	5 <sup>4</sup> or 10	5 <sup>4</sup> or 10	5 <sup>4</sup> or 10	5 <sup>4</sup> or 10
Maximum commercial use density (FAR)	n/a			0.3 see Sec. 21-3.90-1(c)	0.4 see Sec. 21-3.90-1(c)	0.6 see Sec. 21-3.90-1(c)
Maximum building area	Lot area (sq. ft.)		Requirement			
	Less than 7,500		60 percent of zoning lot			
	7,500 - 20,000		50 percent of zoning lot			
	Over 20,000		40 percent of zoning lot			
Maximum height (feet) <sup>5</sup>	30	per zoning map		30	per zoning map	
Height setbacks	none	per Sec. 21-3.80-1(c)		none	per Sec. 21-3.90-1(c)	

Development Standard	District					
	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
<b>Maximum density (FAR) for A-1 &amp; AMX-1 districts based on zoning lot size</b>	<b>Lot area (sq. ft.)</b>	<b>FAR calculation</b>				
	Less than 10,000	FAR = (.00003 x lot area) + 0.3				
	10,000 - 40,000	FAR = (.00001 x lot area) + 0.5				
	Over 40,000	FAR = 0.9				
<b>Maximum density (FAR) for A-2 &amp; AMX-2 districts based on zoning lot size</b>	<b>Lot area (sq. ft.)</b>	<b>FAR calculation</b>				
	Less than 10,000	FAR = (.00009 x lot area) + 0.4				
	10,000 - 40,000	FAR = (.00002 x lot area) + 1.1				
	Over 40,000	FAR = 1.9				
<b>Maximum density (FAR) for A-3 &amp; AMX-3 districts based on zoning lot size</b>	<b>Lot area (sq. ft.)</b>	<b>FAR calculation</b>				
	Less than 10,000	FAR = (.00014 x lot area) + 0.6				
	10,000 - 20,000	FAR = (.00004 x lot area) + 1.6				
	20,000 - 40,000	FAR = (.00002 x lot area) + 2.0				
	Over 40,000	FAR = 2.8				

<sup>1</sup>There shall be no minimum lot area, width or depth for off-site parking facilities.

<sup>2</sup>There shall be no minimum lot area for off-site parking facilities.

<sup>3</sup>Five feet for detached dwellings and duplexes and 10 feet for other uses.

<sup>4</sup>For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall.

<sup>5</sup>Heights for detached dwellings and duplexes shall comply with residential height and height setback requirements.

n/a = Not applicable  
(Added by Ord. 99-12)

**Sec. 21-3.100 Resort district--Purpose and intent.**

The purpose of the resort district is to provide areas for visitor-oriented destination centers. Primary uses are lodging units and hotels and multifamily dwellings. Retail and business uses that service visitors are also permitted. This district is intended primarily to serve the visitor population, and should promote a Hawaiian sense of place. (Added by Ord. 99-12)

**Sec. 21-3.100-1 Resort uses and development standards.**

- (a) Within the resort district, permitted uses and structures shall be as enumerated in Table 21-3.
- (b) Within the resort district, development standards shall be as enumerated in Table 21-3.4.
- (c) Additional Development Standards.
  - (1) Except for necessary access drives and walkways, all front yards shall be landscaped. Within 10 feet of the property line, side and rear yards shall be maintained in landscaping, except for necessary access drives and walkways.
  - (2) Optional Yard Siting. Parking lots and garages may extend to side and rear property lines, provided the following requirements are met:
    - (A) An area or areas of open space equivalent to the area to be used for parking or accessory use structures are provided elsewhere on the zoning lot. This open space shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to three feet if wheel stops are installed. A minimum of 50 percent of the open space shall be contiguous to the street frontage abutting the zoning lot;
    - (B) Any parking floor in the 10 feet adjacent to the property line shall not be more than four feet above existing grade; and
    - (C) Landscaping required under Section 21-4.70 is provided and maintained.
  - (3) Height Setbacks. For any portion of a structure over 30 feet in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 30 feet above grade (see Figure 21-3.4).

(Added by Ord. 99-12)

**Sec. 21-3.110 Business districts--Purpose and intent.**

- (a) The purpose of the business districts is to set aside areas for commercial and business activities to meet and support the economic growth of the city. The districts provide for the buying and selling of goods and services, the transportation and distribution of commodities and other complementary economic activities. Other uses which are supportive of or compatible with business activities are also permitted. These districts help to ensure a favorable business climate and support the economic and social well-being of city residents.

- (b) The intent of the B-1 neighborhood business district is to provide relatively small areas which serve the daily retail and other business needs of the surrounding population. It is intended that this district be generally applied to areas within or adjacent to urban residential areas, along local and collector streets, but not along major travel routes or on a large scale basis. It would also be applied to rural and urban fringe town centers which may or may not be located along major travel routes.
- (c) The intent of the B-2 community business district is to provide areas for community-wide business establishments, serving several neighborhoods and offering a wider range of uses than is permitted in the B-1 district. The intent is to apply this district to areas conveniently accessible by vehicular and pedestrian modes and served by adequate public facilities. Typically, this district would be applied to lots along major streets and in centrally located areas in urban and urban fringe areas.

(Added by Ord. 99-12)

**Sec. 21-3.110-1 Business uses and development standards.**

- (a) Within the business districts, permitted uses and structures shall be as enumerated in Table 21-3.
- (b) Within the business districts, development standards shall be as enumerated in Table 21-3.4.
- (c) Additional Development Standards.
  - (1) Except for necessary access drives and walkways, all yards shall be landscaped.
  - (2) B-1 District Transitional Height Setback. Where a zoning lot adjoins a zoning lot in a residential district, the residential district height setbacks shall be applicable at the buildable area boundary line of the adjoining side of the B-1 zoning lot (see Figure 21-3.5).
  - (3) B-2 District Transitional Height Setback.
    - (A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the B-2 zoning lot (see Figure 21-3.5).
    - (B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3 or resort district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the B-2 zoning lot, provided that additional height shall be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-3.5).
  - (4) Street Setbacks. Within the B-2 district, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the center line of any street (see Figure 21-3.7).
  - (5) Open Space Bonus. Within the B-2 district:
    - (A) For each square foot of public open space provided, five square feet of floor area may be added, exclusive of required yards;
    - (B) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards; and
    - (C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 21-3.4.

(Added by Ord. 99-12)

**Sec. 21-3.120 Business mixed use districts--Purpose and intent.**

- (a) The purpose of the business mixed use districts is to recognize that certain areas of the city have historically been mixtures of commercial and residential uses, occurring vertically and horizontally and to encourage the continuance and strengthening of this pattern. It is the intent to provide residences in very close proximity to employment and retail opportunities, provide innovative and stimulating living environments and reduce overall neighborhood energy consumption.
- (b) The intent of the BMX-3 community business mixed use districts is to provide areas for both commercial and residential uses outside of the central business mixed use district and at a lower intensity than the central business mixed use district. Typically, this district would be applied to areas along major thoroughfares adjacent to B-2, BMX-4, A-3, AMX-2 and AMX-3 zoning districts. It is also intended that it be applied to areas where the existing land use pattern is already a mixture of commercial and residential uses, occurring horizontally, vertically or both.
- (c) The intent of the BMX-4 central business mixed use district is to set apart that portion of Honolulu which forms the city's center for financial, office and governmental activities and housing. It is intended for the downtown area and not intended for general application. It provides the highest land use intensity for commerce, business and housing.

(Added by Ord. 99-12)

**Sec. 21-3.120-1 BMX-4 business mixed use special height controls.**

- (a) Any development which is proposed to exceed a height limit of 350 feet shall comply with the following:
  - (1) Minimum Project Size. The minimum project size shall be 35,000 square feet.
  - (2) Site Plan. The request for additional height shall include a proposed site plan, which shall include the location and height of building towers, and shall take into consideration

adjacent uses and structures. Specifically, the following principles shall be reflected in the site plan, and the applicant shall demonstrate how these principles are being met:

- (A) Building towers shall not significantly obstruct or intrude on adopted public views.
  - (B) Proposed open spaces shall complement and relate to adjacent open spaces.
  - (C) Ground level parking lots and structures should not front streets. Where this is not possible, canopy and vertical form trees, hedges and other landscaping elements shall be provided to visually screen them.
  - (D) The additional tower height shall not unreasonably block the provision of light and air to other buildings and public open spaces, nor obliterate direct exposure to the sun in any given 24-hour period.
- (3) Public Open Space. A minimum of 35 percent of the lot area shall be devoted to public open space in accordance with Table 21-3.4.
- (4) Public Views. The additional tower height shall not significantly intrude on any adopted public views, including the view of the central business district from the Punchbowl lookouts.
- (5) Pedestrian Orientation. Project design at the ground level shall reflect a strong pedestrian orientation, especially fronting streets. Contributing elements include, but are not limited to:
- (A) Arcades, with at least one-half of the arcade perimeter open or devoted to entrances and show windows.
  - (B) Public open spaces, with provisions for shade, seating areas, landscaping, water features and outdoor sculptures.
  - (C) Outdoor dining areas.
  - (D) Interesting paving design and finishes.
  - (E) Building materials, finishes and details which are human-scaled, nonglaring and not harsh.
- (6) Wind Analysis. The request for additional height shall include a wind study of the effects of towers over 350 feet, particularly anticipated impacts at the ground level. Where adverse impacts are anticipated, mitigative measures shall be included in the proposal.
- (7) Historic Resources. Any development which includes sites and/or structures on or eligible for inclusion on the national or state register of historic places or on the Oahu register of historic places shall be evaluated as to the feasibility and appropriateness of retaining the site and/or structure. For every square foot of building area of a site and/or structure on or eligible for inclusion on the national or state register of historic places or on the Oahu register of historic places, 10 square feet of additional floor area may be permitted above 350 feet of building height. This bonus shall be available even if the minimum open space requirements for subdivision (3) are not met.
- (8) FAA Clearance. The request for additional height shall include a statement from the Federal Aviation Administration that the proposed building heights will not interfere with the operation of the Honolulu International Airport.
- (9) Maximum Density. The maximum density as set forth in Table 21-3.4 shall not be exceeded.
- (10) For purposes of this section, an "adopted public view" is a view that has been recognized as significant or otherwise worthy of protection by an adopted ordinance, including Article 9.
- (b) Applications to exceed a height limit of 350 feet shall be processed pursuant to the requirements for major permits (special district), as set forth in Section 21-2.40-2.

(Added by Ord. 99-12)

**Sec. 21-3.120-2 Business mixed use district uses and development standards.**

- (a) Within the business mixed use districts, permitted uses and structures shall be as enumerated in Table 21-3.
- (b) Within the business mixed use districts, development standards shall be as enumerated in Table 21-3.4.
- (c) Additional Development Standards.
  - (1) Except for necessary access drives and walkways, all yards shall be landscaped.
  - (2) BMX-3 District Transitional Height Setbacks.
    - (A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the BMX-3 zoning lot (see Figure 21-3.5).
    - (B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3 or resort district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the BMX-3 zoning lot, provided that additional height shall be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-3.5).

- (3) **BMX-4 District Transitional Height Setback.** Where a zoning lot adjoins a zoning lot in a residential, apartment, apartment mixed use or resort district, the height setback of the adjoining district shall be applicable at the buildable area boundary line of the adjoining side of the BMX-4 lot (see Figure 21-3.5).
- (4) **BMX-4 District Height Setback.** For a minimum of 50 percent of any contiguous street frontage, no portion of a structure located on a lot adjacent to a street shall exceed a height which is intersected by a plane over the buildable area which makes an angle of 65 degrees with the horizontal at ground elevation at the center line of the street (see Figure 21-3.9).
- (5) **Street Setbacks and Street Trees.**
  - (A) Within the BMX-3 district, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the center line of any street (see Figure 21-3.7).
  - (B) If a street tree plan exists for the street which fronts the project, the applicant shall install a street tree or trees, as required by the director.
- (6) **BMX-3 District Open Space Bonus.**
  - (A) For each square foot of public open space provided, five square feet of floor area may be added, exclusive of required yards;
  - (B) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards; and
  - (C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 21-3.4.
- (7) **BMX-4 District Open Space Bonus.**
  - (A) For each square foot of public open space provided, 10 square feet of floor area may be added. If provided, front yards may be included as public open space;
  - (B) For each square foot of arcade area provided, five square feet of floor area may be added;
  - (C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 21-3.4; and
  - (D) For developments which exceed a height of 350 feet, for each square foot of public open space provided, 10 square feet of floor area may be added below 350 feet of building height or seven square feet of floor area may be added above 350 feet of building height. If provided, front yards may be included as public open space.
- (8) **BMX-4 District Heights Above 350 Feet.** For developments which exceed a height of 350 feet, but are permitted higher heights on the zoning maps, refer to Section 21-3.120-1.
- (9) **Historic Resources Bonus.** For developments in the BMX-4 district which exceed a height of 350 feet, refer to Section 21-3.120-1 for provisions relating to additional floor area permitted for preservation of historic resources.

(Added by Ord. 99-12)

**Table 21-3.4  
Resort, Business and Business Mixed Use Districts  
Development Standards**

Development Standard		District				
		Resort	B-1	B-2	BMX-3	BMX-4
Minimum lot area (square feet)		15,000 <sup>1</sup>	5,000	5,000	5,000	5,000
Minimum lot width and depth (feet)		70 <sup>1</sup>	50	50	50	50
Yards (feet):	Front	25	10	5 <sup>4</sup>	10 for dwellings, 5 for other uses <sup>4</sup>	5 <sup>4,5</sup>
	Side and rear	20 <sup>2</sup>	0 <sup>3</sup>	0 <sup>3</sup>	5 <sup>2</sup> for detached dwellings, 10 for multifamily dwellings, 0 <sup>3</sup> for other uses <sup>4</sup>	0 <sup>3</sup>
Maximum building area (percent of zoning lot)		50	not regulated			

Development Standard		District				
		Resort	B-1	B-2	BMX-3	BMX-4
Maximum density (FAR) resort district only		Lot area (sq. ft.)		FAR calculation		
		Less than 10,000		FAR = (.00006 x lot area) + 0.4		
		10,000-30,000		FAR = (.00002 x lot area) + 0.8		
		Over 30,000		FAR = 1.4		
Maximum density (FAR) for other districts		See above	1.0	2.5	2.5	4.0
Open space bonus	Available	No		Yes see Sec. 21-3.110- 1(c)	Yes see Sec. 21-3.120-2(c)	
	Max FAR	n/a	n/a	3.5	3.5	7.5
Maximum height (feet)		per zoning map	40	per zoning map	per zoning map	per zoning map, see Sec. 21- 3.120-1 for additional height
Height setbacks		per Sec. 21-3.100- 1(c)	per Sec. 21-3.110-1(c)		per Sec. 21-3.120-2(c)	

<sup>1</sup>There shall be no minimum lot area, width or depth for off-site parking facilities.

<sup>2</sup>For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall.

<sup>3</sup>Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment or apartment mixed use district, there shall be a side or rear yard which conforms to the yard requirements for dwelling use of the adjoining district. In addition, see Section 21-4.70-1 for landscaping and buffering requirements.

<sup>4</sup>Where a zoning lot adjoins a residential, apartment or apartment mixed use district and forms a continuous front yard, the lot or the first 100 feet of the lot (whichever is less) shall conform to the front yard requirements for the dwelling use of the adjoining district (see Figure 21-3.6).

<sup>5</sup>Five feet for structures up to 12 feet in height, provided that where the adjacent street is greater than 50 feet in width, an area of open space or an arcade, equivalent to the required yard area may be provided elsewhere on the zoning lot (see Figure 21-3.8).

n/a = Not applicable

(Added by Ord. 99-12; Am. Ord. 03-37)

**Sec. 21-3.130 Industrial districts--Purpose and intent.**

- (a) The purpose of the industrial districts is to recognize the importance of industrial uses to the welfare of city residents by providing areas for industrial uses without undue competition from other uses and ensuring compatibility with nonindustrial areas. Typical uses include manufacturing, refining, sorting, processing and storage of materials and products. Limited business activities that directly support the industrial uses or those employed by industries therein are permitted in these districts.
- (b) Heavy industrial uses such as refining of petroleum and manufacturing of explosives will only be allowed under certain conditions and in areas well away from other districts.
- (c) To minimize potential adverse impacts on property and persons in the same or neighboring districts, standards are established for the more noxious uses permitted in these districts.
- (d) The intent of the I-1 limited industrial district is to provide areas for some of the industrial employment and service needs of rural and suburban communities. It is intended to accommodate light manufacturing, including handcrafted goods as well as "high technology industries" such as telecommunications, computer parts manufacturing, and research and development. Uses in this district are limited to those which have few environmental impacts and those which complement the development scale of communities they would serve.
- (e) The intent of the I-2 intensive industrial district is to set aside areas for the full range of industrial uses necessary to support the city. It is intended for areas with necessary supporting public infrastructure, near major transportation systems and with other locational characteristics necessary to support industrial centers. It shall be located in areas away from residential communities where certain heavy industrial uses would be allowed.
- (f) The intent of the I-3 waterfront industrial district is to set apart and protect areas considered vital to the performance of port functions and to their efficient operation. It is the intent to permit a full range of facilities necessary for successful and efficient performance of port functions. It is intended to exclude uses which are not only inappropriate but which could locate elsewhere.

(Added by Ord. 99-12)

**Sec. 21-3.130-1 Industrial uses and development standards.**

- (a) Within the industrial districts, permitted uses and structures shall be as enumerated in Table 21-3.

- (b) Within the industrial districts, development standards shall be as enumerated in Table 21-3.5.
- (c) Additional Development Standards.
  - (1) Transitional Height Setbacks. Where a zoning lot adjoins a zoning lot in a residential, apartment, apartment mixed use or resort district, the residential, apartment, apartment mixed use or resort district height setbacks shall be applicable at the buildable area boundary line on the side of the industrial zoning lot (see Figure 21-3.5).
  - (2) Street Setbacks. In the I-2 and I-3 districts, on zoning lots adjacent to a street, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the center line of the street (see Figure 21-3.7).

(Added by Ord. 99-12)

**Sec. 21-3.140 Industrial-commercial mixed use district--Purpose and intent.**

- (a) The purpose of the industrial-commercial mixed use district is to allow mixing of some industrial uses with other uses. The intent of this district is to provide for areas of diversified businesses and employment opportunities by permitting a broad range of uses, without exposing nonindustrial uses to unsafe and unhealthy environments. To a limited extent, some residential uses shall be permitted.
- (b) This district is intended to promote and maintain a viable mix of light industrial and commercial uses.

(Added by Ord. 99-12)

**Sec. 21-3.140-1 Industrial-commercial mixed use district uses and development standards.**

- (a) Within the industrial-commercial mixed use district, permitted uses and structures shall be as enumerated in Table 21-3.
- (b) Within the industrial-commercial mixed use district, development standards shall be as enumerated in Table 21-3.5.
- (c) Additional Development Standards.
  - (1) Density. For purposes of this subdivision, uses marked by a superscript <sup>2</sup> in Table 21-3 will be considered “commercial uses.” The maximum FAR for a zoning lot will be as follows:

Maximum FAR	<b>Provided the following minimum FAR, in aggregate, of the total floor area on the zoning lot is devoted to permitted “noncommercial” principal uses</b>	
1.5	0.00	
2.0	0.5	
2.5	0.75	

Except a maximum 2.5 FAR with no limit for floor area devoted to commercial uses will be applicable to zoning lots of 10,000 square feet or less in areas that were of record on June 14, 1993, or to zoning lots within any technology park so designated in Chapter 24 for which there has been recorded a unilateral agreement pursuant to Section 21-2.80, which includes limitations on the permitted uses in the technology park.

- (2) Transitional Height Setbacks.
  - (A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback will be applicable at the buildable area boundary line of the adjoining side of the IMX-1 zoning lot (see Figure 21-3.5).
  - (B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3, or resort district, no portion of a structure may exceed 40 feet in height along the buildable area boundary line on the adjoining side of the IMX-1 zoning lot, provided that additional height will be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback must be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-3.5).
- (3) Street Setbacks. On zoning lots adjacent to a street, no portion of a structure may exceed a height equal to twice the distance from the structure to the vertical projection of the center line of the street (see Figure 21-3.7).

(Added by Ord. 99-12; Am. Ord. 17-40)

**Table 21-3.5  
Industrial and Industrial Mixed Use Districts  
Development Standards**

Development Standard		District			
		I-1	I-2	I-3	IMX-1
Minimum lot area (square feet)		7,500	7,500	7,500	5,000
Minimum lot width and depth (feet)		60	60	60	50
Yards (feet):	Front <sup>1</sup>	10	5	0	5
	Side and rear	0 <sup>2</sup>	0 <sup>2</sup>	0 <sup>2</sup>	0 <sup>3</sup>

Development Standard	District			
	I-1	I-2	I-3	IMX-1
<b>Maximum building area (percent of zoning lot)</b>	80			
	<p>However, the building area may be increased to include all of the buildable area of the zoning lot provided all structures beyond the designated 80 percent building area shall:</p> <ul style="list-style-type: none"> <li>a. Provide a minimum clear interior height of 18 feet;</li> <li>b. Contain no interior walls, except for those between a permitted use and a special accessory office; and</li> <li>c. Provide a minimum distance of 40 feet between interior columns and other structural features</li> </ul>			
<b>Maximum density (FAR)</b>	1.0	2.5	2.5	1.5 - 2.5 see Sec. 21-3.140-1(c)
<b>Maximum height (feet)</b>	40	per zoning map		
<b>Height setbacks</b>	per Sec. 21-3.130-1(c)			per Sec. 21-3.140-1(c)

<sup>1</sup>Except for necessary access drives and walkways, all front yards shall be landscaped. Where a zoning lot adjoins a residential, apartment, apartment mixed use or resort district and forms a continuous front yard, the lot or the first 100 feet of the lot (whichever is less) shall conform to the front yard requirements for the dwelling use of the adjoining district (see Figure 21-3.6).

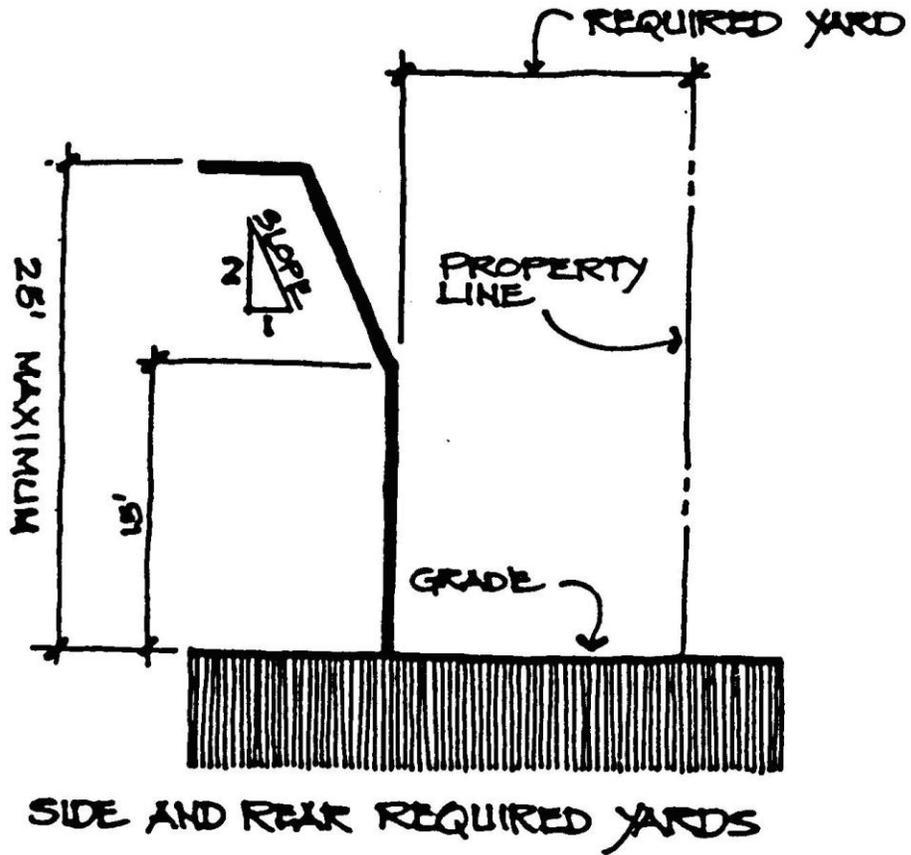
<sup>2</sup>Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment, apartment mixed use or resort district, there shall be a side or rear yard which conforms to the side or rear yard requirements for dwelling use of the adjoining district. In the I-3 district only, this yard shall be not less than 15 feet. In addition, see Section 21-4.70-1 for landscaping and buffering requirements.

<sup>3</sup>Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment, apartment mixed use or resort district, there shall be a side or rear yard which conforms to the side or rear yard requirements for dwelling use of the adjoining district.

(Added by Ord. 99-12; Am. Ord. 03-37)

Figure 21-3.1

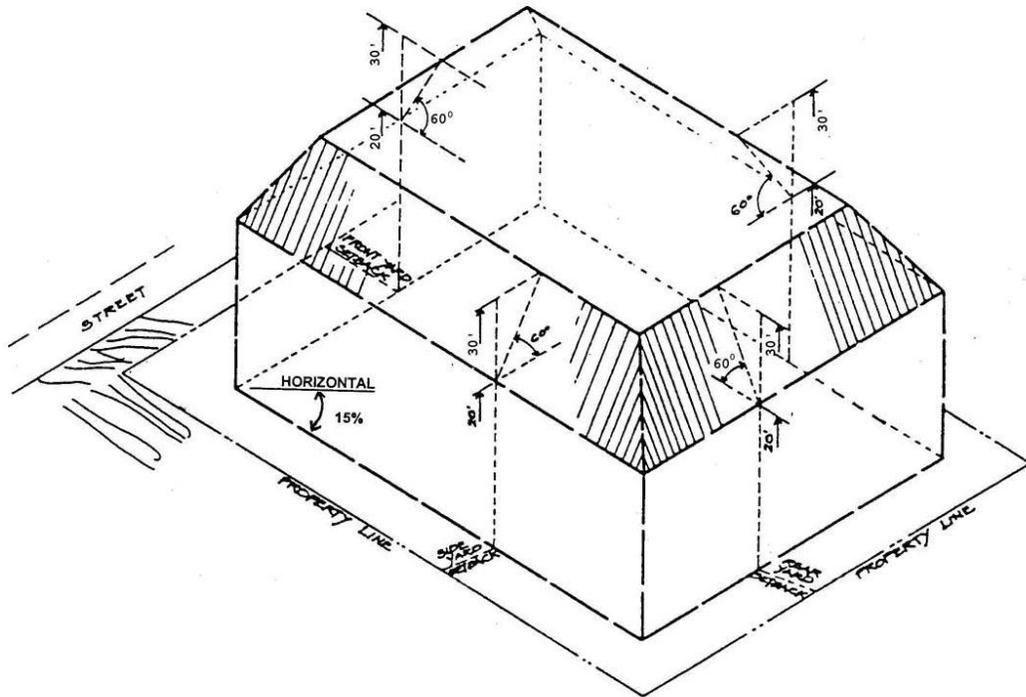
HEIGHT SETBACKS (P-2, AGRICULTURAL  
AND COUNTRY DISTRICTS)



(Added by Ord. 99-12)

Figure 21-3.2

HEIGHTS ON SLOPING LOTS  
(COUNTRY DISTRICT)



(Added by Ord. 03-37)

Figure 21-3.3

A-2, A-3, AMX-2, AMX-3  
DISTRICT HEIGHT SETBACK

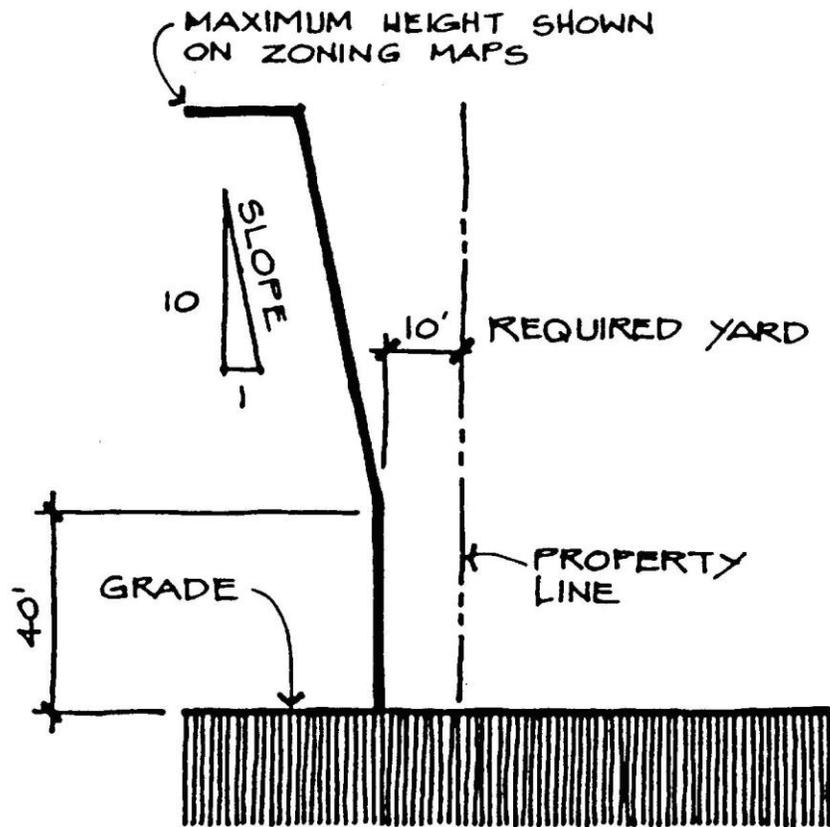
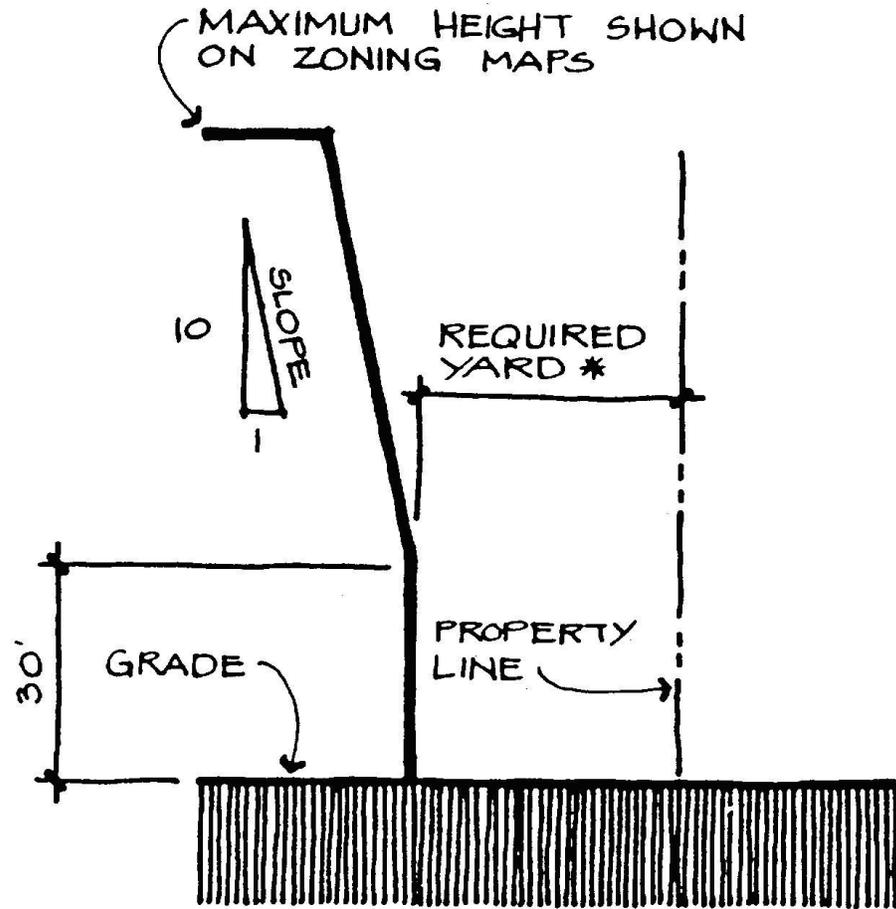


Figure 21-3.4

RESORT DISTRICT HEIGHT SETBACK



\* FRONT, SIDE AND REAR

Figure 21-3.5

TRANSITIONAL HEIGHTS (BUSINESS, BMX,  
IMX AND ALL INDUSTRIAL DISTRICTS)

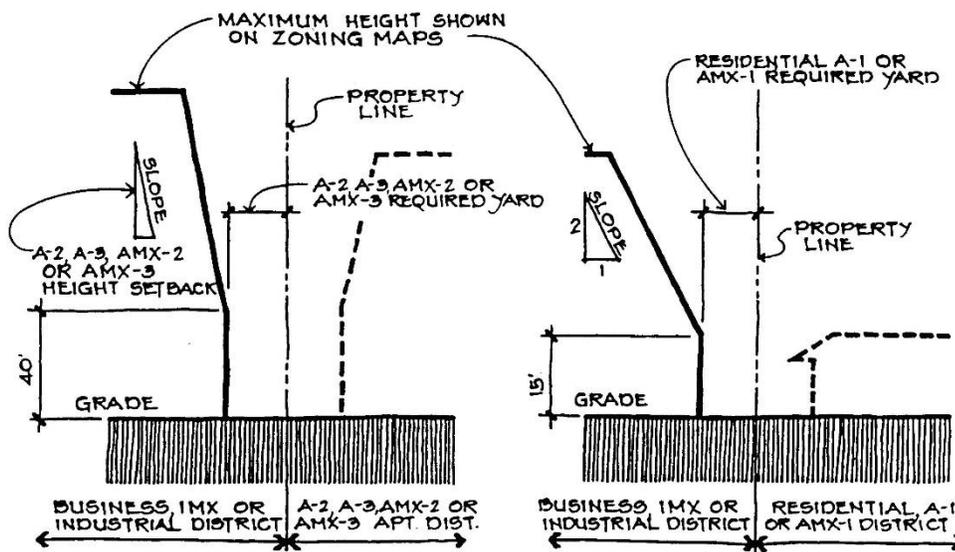


Figure 21-3.6

FRONT YARDS (B-2, BMX-3, BMX-4, IMX AND ALL INDUSTRIAL DISTRICTS)

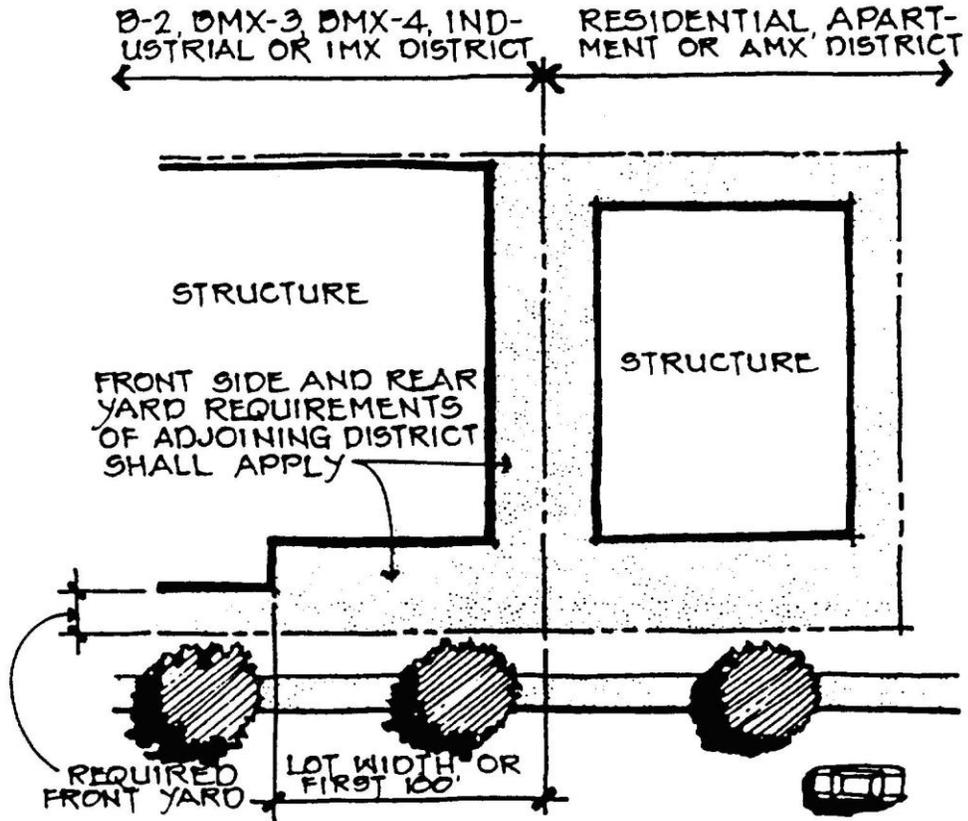


Figure 21-3.7

STREET SETBACKS (B-2, BMX-3,  
I-2, I-3 AND IMX DISTRICTS)

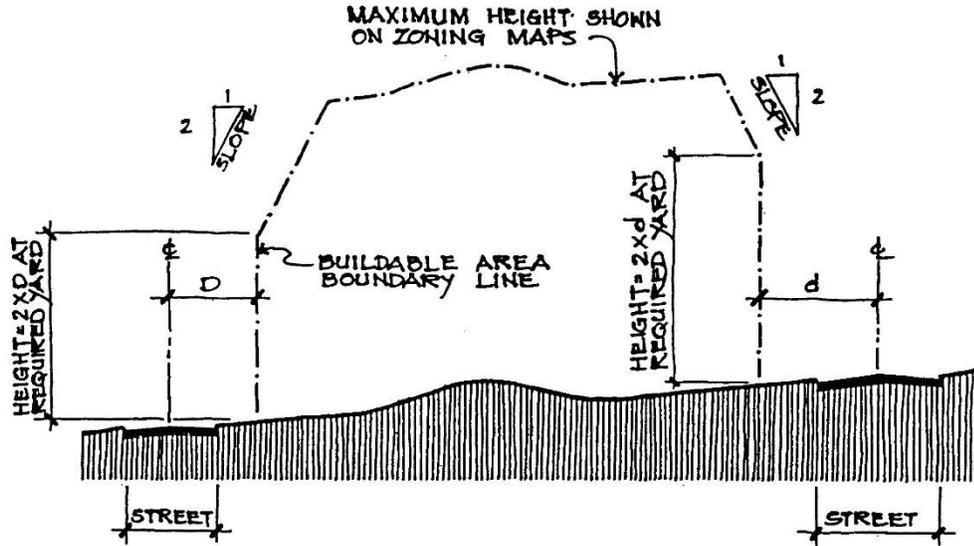
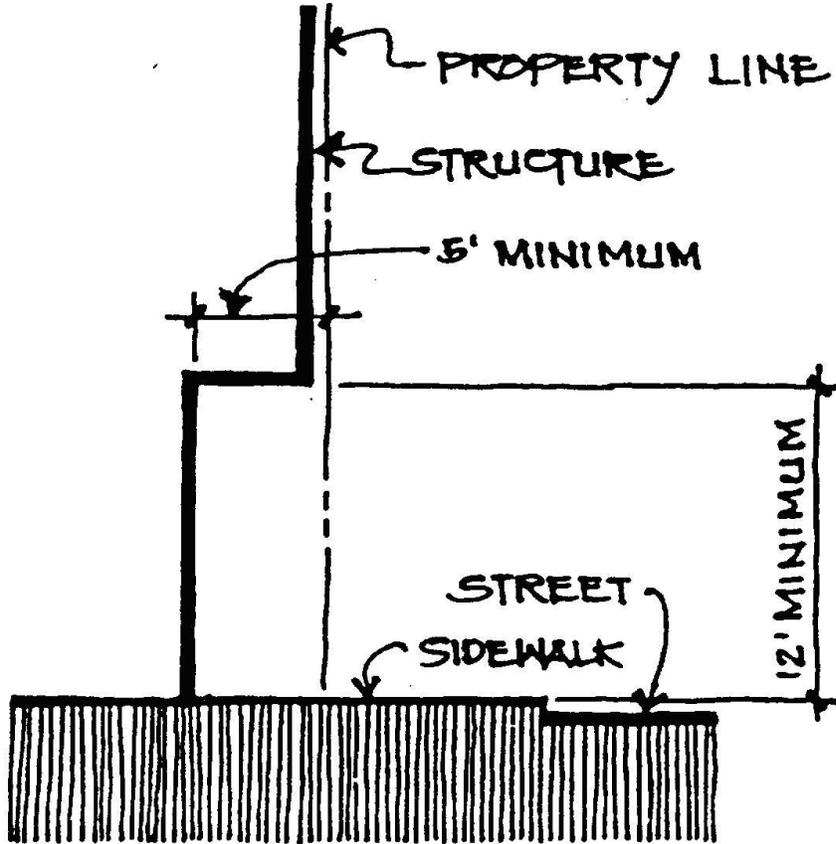
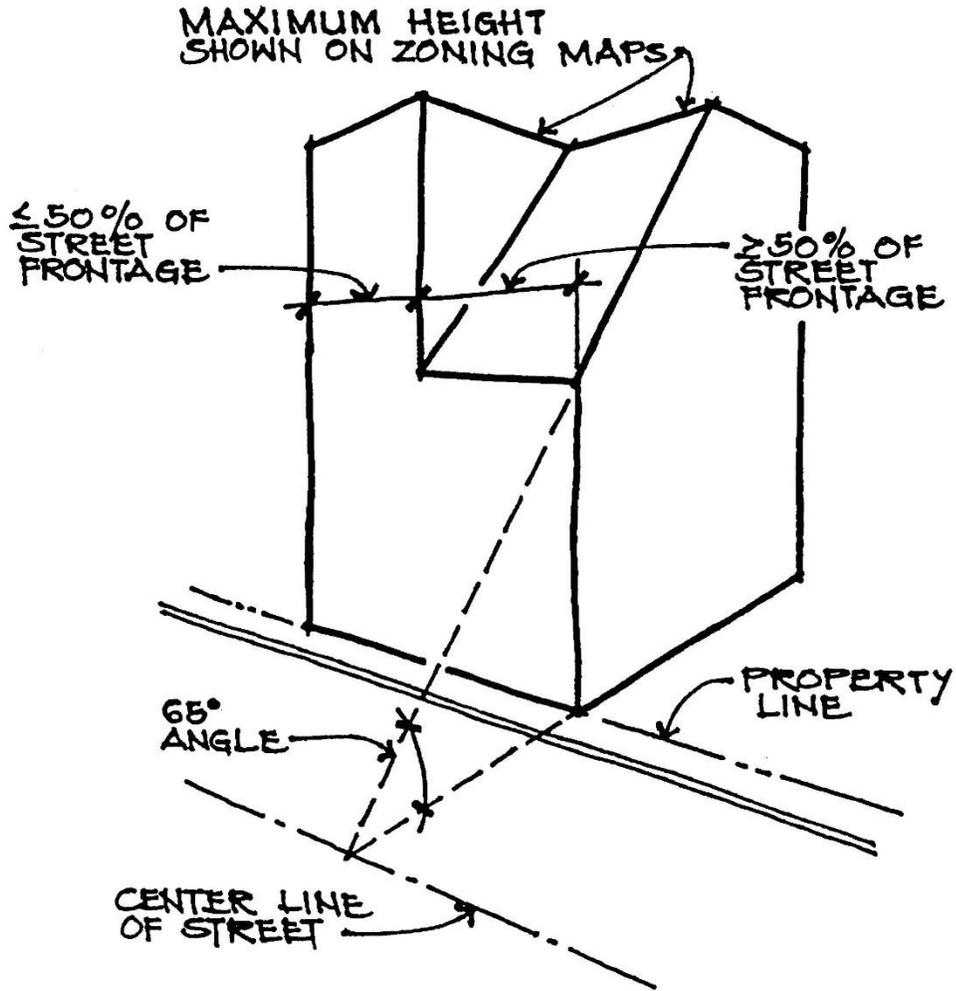


Figure 21-3.8  
FRONT YARD  
BMX-4 DISTRICT



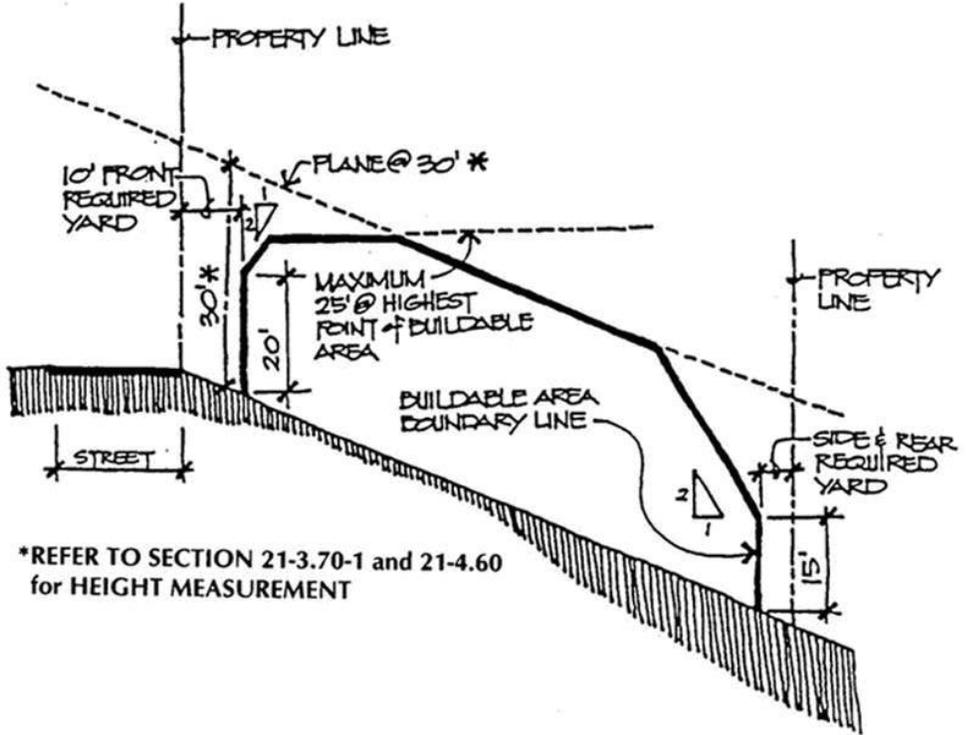
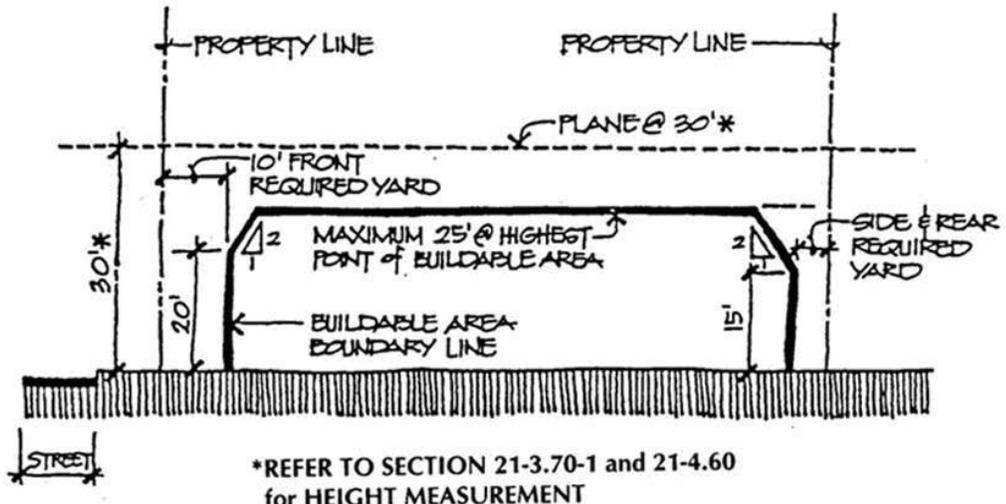
**Figure 21-3.9**  
**65 DEGREE ANGLE HEIGHT**  
**LIMIT (BMX-4 DISTRICT)**



(Added by Ord. 99-12)

# Figure 21-3.10

## HEIGHT MEASUREMENT IN RESIDENTIAL DISTRICTS



(Added by Ord. 03-37)